



General Assembly

January Session, 2009

Substitute Bill No. 6709

* _____HB06709GAE____050409_____*

AN ACT CONCERNING THE DEPARTMENT OF CORRECTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2009*) The Commissioner of
2 Correction shall not disclose the personnel or medical file or any
3 similar file including, but not limited to, a record of a departmental
4 security investigation or investigation of a discrimination complaint of
5 a current or former employee of the Department of Correction to any
6 individual committed to the custody or supervision of the
7 Commissioner of Correction or confined to the Whiting Forensic
8 Division, except pursuant to a court order.

9 Sec. 2. (NEW) (*Effective October 1, 2009*) (a) A person is guilty of
10 possession of an electronic wireless communication device in a
11 correctional institution when, being an inmate of a correctional
12 institution, such person knowingly conveys from place to place or has
13 in such person's possession or under such person's control an
14 electronic wireless communication device.

15 (b) Possession of an electronic wireless communication device in a
16 correctional institution is a class A misdemeanor for a first offense and
17 a class D felony for any subsequent offense.

18 Sec. 3. Section 18-85 of the general statutes is repealed and the
19 following is substituted in lieu thereof (*Effective July 1, 2009*):

20 (a) The Commissioner of Correction, after consultation with the
21 Commissioner of Administrative Services and the Secretary of the
22 Office of Policy and Management, shall establish a schedule of
23 compensation for services performed on behalf of the state by inmates
24 of any institution or facility of the department. Such schedule shall
25 recognize degrees of merit, diligence and skill in order to encourage
26 inmate incentive and industry.

27 (b) Compensation so earned shall be deposited, under the direction
28 of the [administrative head of such institution or facility, in an inmate's
29 individual account] Commissioner of Correction, in a savings bank or
30 state bank and trust company in this state [, and funds from such
31 account may be transferred to the inmate's discharge savings account
32 pursuant to section 18-84a. Any amount in such accounts] or an
33 account administered by the State Treasurer. Any compensation so
34 earned shall be paid to the inmate on the inmate's [discharge] release
35 from incarceration, except that the [warden or Community
36 Correctional Center Administrator] commissioner may, while the
37 inmate is in custody, disburse any compensation earned by such
38 inmate in accordance with the following priorities: (1) Federal taxes
39 due; (2) restitution or payment of compensation to a crime victim
40 ordered by any court of competent jurisdiction; (3) payment of a civil
41 judgment rendered in favor of a crime victim by any court of
42 competent jurisdiction; (4) victims compensation through the criminal
43 injuries account administered by the Office of Victim Services; (5) state
44 taxes due; (6) support of the inmate's dependents, if any; (7) the
45 inmate's necessary travel expense to and from work and other
46 incidental expenses; (8) payments to the inmate's discharge savings
47 account under section 18-84a, as amended by this act; (9) costs of such
48 inmate's incarceration under section 18-85a, as amended by this act,
49 and regulations adopted in accordance with said section; and [(9)] (10)
50 payment to the clerk of the court in which an inmate, [of a community
51 correctional center, held] confined in a correctional facility only for
52 payment of a fine, was convicted, such portion of such compensation
53 as is necessary to pay such fine. Any interest that accrues shall be

54 credited to any institutional fund established for the welfare of
55 inmates. Compensation under this section shall be in addition to any
56 compensation received or credited under section 18-50.

57 Sec. 4. Section 18-84a of the general statutes is repealed and the
58 following is substituted in lieu thereof (*Effective July 1, 2009*):

59 (a) The Commissioner of Correction shall require each inmate
60 sentenced to a term of incarceration by a court of this state to
61 accumulate savings to be paid to the inmate on the inmate's
62 [discharge] release from incarceration by establishing a discharge
63 savings account on behalf of the inmate. Any inmate sentenced to a
64 term of incarceration by a court of this state but confined in a facility
65 outside this state shall be exempt from such requirement while
66 confined in such facility.

67 (b) For the purpose of establishing such discharge savings account,
68 the commissioner may impose a deduction of up to ten per cent on all
69 deposits [made] credited to the inmate's individual account, provided
70 the commissioner (1) [transfers] credits such deduction to the inmate's
71 discharge savings account, and (2) ceases imposition [and transfer] of
72 such deduction whenever the amount in the inmate's discharge
73 savings account [is equal to] equals one thousand one hundred dollars.

74 (c) [If] Whenever the amount in the inmate's discharge savings
75 account [is equal to] equals one thousand one hundred dollars, the
76 commissioner shall impose a deduction of ten per cent on all deposits
77 made to the inmate's individual account to the extent necessary to
78 reimburse the state for the costs of the inmate's incarceration pursuant
79 to section 18-85a, as amended by this act, and the regulations adopted
80 pursuant to said section. [18-85a.]

81 (d) Disbursement to the inmate from the inmate's discharge savings
82 account upon the inmate's release from incarceration shall not be
83 reduced by any disbursement required by sections 18-85, as amended
84 by this act, 18-85b, 18-85c and 18-101, as amended by this act.

85 (e) The commissioner may adopt regulations, in accordance with the
86 provisions of chapter 54, to implement this section.

87 Sec. 5. Section 18-85a of the general statutes is repealed and the
88 following is substituted in lieu thereof (*Effective July 1, 2009*):

89 (a) The Commissioner of Correction shall adopt regulations, in
90 accordance with the provisions of chapter 54, concerning the
91 assessment of inmates of correctional institutions or facilities for the
92 costs of their incarceration.

93 (b) The state shall have a claim against each inmate for the costs of
94 such inmate's incarceration under this section, and regulations
95 adopted in accordance with this section, for which the state has not
96 been reimbursed. Any property owned by such inmate may be used to
97 satisfy such claim, except property that is: (1) Exempt pursuant to
98 section 52-352b or 52-352d, except as provided in subsection (b) of
99 section 52-321a; (2) subject to the provisions of section 54-218; (3)
100 acquired by such inmate after the inmate is released from
101 incarceration, but not including property so acquired that is subject to
102 the provisions of section 18-85b, 18-85c or 52-367c, and except as
103 provided in subsection (b) of section 52-321a; (4) acquired by such
104 inmate for work performed during incarceration as part of a program
105 designated or defined in regulations adopted by the Commissioner of
106 Correction, in accordance with the provisions of chapter 54, as a job
107 training, skill development or career opportunity or enhancement
108 program, other than a program established pursuant to section 18-90b,
109 as amended by this act, except that the commissioner may assess a fee
110 for participation in any such program; or (5) [deposited in] credited to
111 a discharge savings account pursuant to section 18-84a, as amended by
112 this act, not in excess of one thousand one hundred dollars. In addition
113 to other remedies available at law, the Attorney General, on request of
114 the Commissioner of Correction, may bring an action in the superior
115 court for the judicial district of Hartford to enforce such claim,
116 provided no such action shall be brought but within two years from
117 the date the inmate is released from incarceration or, if the inmate dies

118 while in the custody of the commissioner, within two years from the
119 date of the inmate's death, except that such limitation period shall not
120 apply if such property was fraudulently concealed from the state.

121 Sec. 6. Section 18-101 of the general statutes is repealed and the
122 following is substituted in lieu thereof (*Effective July 1, 2009*):

123 (a) When any [person] inmate to whom privileges have been
124 granted under section [18-90b or] 18-100 is employed for
125 compensation, the Commissioner of Correction or the commissioner's
126 designee shall collect such compensation or require such [person]
127 inmate to deliver to the commissioner the full amount of such
128 compensation when received. The commissioner or [such] the
129 commissioner's designee shall [deposit] credit such funds in trust in
130 [an] the inmate's individual account and shall keep a record showing
131 the status of the account of each [person. Compensation received by
132 such person during such person's term of imprisonment shall not be
133 subject to levy or attachment] inmate.

134 (b) On granting privileges to any [person] inmate under section [18-
135 90b or] 18-100, the commissioner or the commissioner's designee shall
136 disburse any compensation earned by such [person] inmate in
137 accordance with the following priorities: (1) Federal taxes due; (2)
138 restitution or payment of compensation to a crime victim ordered by
139 any court of competent jurisdiction; (3) payment of a civil judgment
140 rendered in favor of a crime victim by any court of competent
141 jurisdiction; (4) victims compensation through the criminal injuries
142 account administered by the Office of Victim Services; (5) state taxes
143 due; (6) support of such [person's] inmate's dependents, if any; (7) such
144 [person's] inmate's necessary travel expense to and from work and
145 other incidental expenses; [and] (8) payments to the inmate's discharge
146 savings account under section 18-84a, as amended by this act; and (9)
147 costs of such [person's] inmate's incarceration under section 18-85a, as
148 amended by this act, and regulations adopted in accordance with said
149 section. The commissioner shall pay any balance remaining to such
150 [person] inmate upon the [person's discharge] inmate's release from

151 incarceration including any amount [transferred] credited to a
152 discharge savings account pursuant to section 18-84a, as amended by
153 this act. Each [person] inmate gainfully self-employed shall pay to the
154 commissioner the costs of such [person's] inmate's incarceration under
155 section 18-85a, as amended by this act, and regulations adopted in
156 accordance with said section, and on default in payment thereof the
157 [person's] inmate's participation under section 18-100 shall be revoked.

158 (c) The commissioner or the commissioner's designee shall notify
159 the Commissioner of Social Services and the welfare department of the
160 town where the dependents of any [person] inmate employed under
161 the provisions of section 18-90b, as amended by this act, or 18-100
162 reside of the amounts of any payments being made to such
163 dependents.

164 Sec. 7. Section 18-90b of the general statutes is repealed and the
165 following is substituted in lieu thereof (*Effective July 1, 2009*):

166 (a) The Commissioner of Correction is authorized to establish a pilot
167 program involving the use of inmate labor in private industry
168 consistent with governing federal guidelines.

169 (b) The commissioner may enter into such contracts as may be
170 necessary to fully implement the pilot program. Such contractual
171 agreements may include rental or lease agreements for state buildings
172 or portions thereof on the grounds of any institution or facility of the
173 Department of Correction and for any real property needed for
174 reasonable access to and egress from any such building for the purpose
175 of establishing and operating a factory for the manufacturing and
176 processing of goods, wares or merchandise or the provision of service
177 or any other business or commercial enterprise deemed by the
178 commissioner to enhance the general welfare of the inmate population.

179 (c) An inmate may participate in the program established pursuant
180 to this section only on a voluntary basis and only after he has been
181 informed of the conditions of his employment.

182 (d) No inmate participating in the program shall be paid less than
183 the prevailing wage for work of similar nature in private industry.

184 (e) Inmate participation in the program shall not result in the
185 displacement of employed workers and shall not impair existing
186 contracts for services.

187 (f) Nothing contained in this section shall be deemed to restore in
188 whole or in part the civil rights of any inmate. No inmate compensated
189 for participation in the program shall be considered an employee of the
190 state or exempt from the provisions of section 18-84a, as amended by
191 this act, or section 18-85a, as amended by this act.

192 (g) The provisions of subsection (j) of section 18-88 shall not apply to
193 any articles, materials or products manufactured or produced by
194 institutional inmates pursuant to this section.

195 Sec. 8. Subdivision (19) of subsection (b) of section 1-210 of the
196 general statutes is repealed and the following is substituted in lieu
197 thereof (*Effective July 1, 2009*):

198 (19) Records when there are reasonable grounds to believe
199 disclosure may result in a safety risk, including the risk of harm to any
200 person, any government-owned or leased institution or facility or any
201 fixture or appurtenance and equipment attached to, or contained in,
202 such institution or facility, except that such records shall be disclosed
203 to a law enforcement agency upon the request of the law enforcement
204 agency. Such reasonable grounds shall be determined (A) (i) by the
205 Commissioner of Public Works, after consultation with the chief
206 executive officer of an executive branch state agency, with respect to
207 records concerning such agency; and (ii) by the Commissioner of
208 Emergency Management and Homeland Security, after consultation
209 with the chief executive officer of a municipal, district or regional
210 agency, with respect to records concerning such agency; (B) by the
211 Chief Court Administrator with respect to records concerning the
212 Judicial Department; and (C) by the executive director of the Joint
213 Committee on Legislative Management, with respect to records

214 concerning the Legislative Department. As used in this section,
215 "government-owned or leased institution or facility" includes, but is
216 not limited to, an institution or facility owned or leased by a public
217 service company, as defined in section 16-1, a certified
218 telecommunications provider, as defined in section 16-1, a water
219 company, as defined in section 25-32a, or a municipal utility that
220 furnishes electric, gas or water service, but does not include an
221 institution or facility owned or leased by the federal government, and
222 "chief executive officer" includes, but is not limited to, an agency head,
223 department head, executive director or chief executive officer. Such
224 records include, but are not limited to:

225 (i) Security manuals or reports;

226 (ii) Engineering and architectural drawings of government-owned
227 or leased institutions or facilities;

228 (iii) Operational specifications of security systems utilized at any
229 government-owned or leased institution or facility, except that a
230 general description of any such security system and the cost and
231 quality of such system, may be disclosed;

232 (iv) Training manuals prepared for government-owned or leased
233 institutions or facilities that describe, in any manner, security
234 procedures, emergency plans or security equipment;

235 (v) Internal security audits of government-owned or leased
236 institutions or facilities;

237 (vi) Minutes or records of meetings, or portions of such minutes or
238 records, that contain or reveal information relating to security or other
239 records otherwise exempt from disclosure under this subdivision;

240 (vii) Logs or other documents that contain information on the
241 movement or assignment of security personnel;

242 (viii) Emergency plans and emergency preparedness, response,
243 recovery and mitigation plans, including plans provided by a person

244 to a state agency or a local emergency management agency or official;
245 [and]

246 (ix) With respect to a water company, as defined in section 25-32a,
247 that provides water service: Vulnerability assessments and risk
248 management plans, operational plans, portions of water supply plans
249 submitted pursuant to section 25-32d that contain or reveal
250 information the disclosure of which may result in a security risk to a
251 water company, inspection reports, technical specifications and other
252 materials that depict or specifically describe critical water company
253 operating facilities, collection and distribution systems or sources of
254 supply; and

255 (x) With respect to correctional institutions and facilities and
256 Whiting Forensic Division facilities, any records, including, but not
257 limited to, drawings, specifications, plans and aerial depictions that are
258 related to the physical plant, infrastructure and site conditions of such
259 institutions and facilities, the disclosure of which may result in a safety
260 or security risk to any such institution or facility.

261 Sec. 9. Section 18-101b of the general statutes is repealed and the
262 following is substituted in lieu thereof (*Effective October 1, 2009*):

263 (a) Any inmate of a correctional facility under the authority of the
264 Department of Correction, involved in a departmental program for
265 drug dependent inmates or in a departmental work or education
266 release program, may request that he be allowed to remain in a
267 correctional facility for up to ninety days beyond his parole release or
268 discharge date.

269 (b) Any inmate of a correctional facility under the authority of the
270 Department of Correction may request that he be allowed to remain in
271 a correctional facility for up to ninety days beyond his discharge date
272 (1) if such inmate is scheduled to be discharged to a treatment program
273 or health care institution but the program or institution is unable to
274 accept the inmate on the scheduled discharge date, or (2) for any
275 compelling reason deemed consistent with offender rehabilitation or

276 treatment.

277 ~~[(b)]~~ (c) Any person under the jurisdiction of the Department of
 278 Correction, involved in a program operated by a state department
 279 other than the Department of Correction, may request that he be
 280 allowed to remain in such program for up to ninety days beyond his
 281 parole release or discharge date.

282 ~~[(c)]~~ (d) Any inmate requesting permission to remain in a
 283 correctional facility, as provided in subsection (a) ~~or (b)~~ of this section
 284 or any person requesting permission to remain in a program, as
 285 provided in subsection ~~[(b)]~~ (c) of this section, shall submit such
 286 request, in writing, to the Commissioner of Correction not later than
 287 one week prior to the scheduled date for the inmate's parole release or
 288 discharge.

289 ~~[(d)]~~ (e) Any inmate receiving permission to remain in a correctional
 290 facility or any person receiving permission to remain in a program
 291 operated by a state department other than the Department of
 292 Correction beyond his scheduled date for parole release or discharge
 293 may be charged a reasonable daily fee by the appropriate department
 294 while [said inmate is] housed in a facility of said department.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>July 1, 2009</i>	18-85
Sec. 4	<i>July 1, 2009</i>	18-84a
Sec. 5	<i>July 1, 2009</i>	18-85a
Sec. 6	<i>July 1, 2009</i>	18-101
Sec. 7	<i>July 1, 2009</i>	18-90b
Sec. 8	<i>July 1, 2009</i>	1-210(b)(19)
Sec. 9	<i>October 1, 2009</i>	18-101b

JUD *Joint Favorable Subst.*

GAE *Joint Favorable*